

**REPORT OF THE JUDICIAL RESOURCES COMMISSION  
TO THE SUPREME COURT  
AND GENERAL ASSEMBLY  
CY 2001**

**PREPARED PURSUANT TO §476.415, RSMO**

## JUDICIAL RESOURCES COMMISSION 2001

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**JURY MANAGEMENT**

Courts continue to experience difficulty assembling jury pools, and the public continues to regard jury service as too burdensome. Improving juror compensation, providing better accommodations, insuring jurors' safety, and making jury duty a more positive experience remain important goals. The number of peremptory challenges permitted continues to significantly affect the size of a panel that must be summoned.

HB 945, passed in 2001, provides that jurors in Greene County receive no compensation for the first two days of service, but receive \$50 per day for the third and subsequent days of service, plus mileage.

The number of counties taking advantage of the increased payment provided by SB 1 (1999) continues to increase. (Senate Bill 1 provided several changes relating to juries. Jury duty pay is increased if the county contributes at least \$6. If so, then the State will contribute an additional \$6, bringing the total to \$18.) The appropriation for FY 02 is \$268,000.

The *Juror for Windows* software has been installed in fifty-four counties. FY 02 will see the software installed and training provided to an additional 50 plus courts. This system combines the voter registration list and the drivers' license list to increase the number of persons eligible to be utilized for juries.

**The Commission recommends that the General Assembly consider legislation which improves procedures for jurors and the protection of citizens asked to perform service as jurors. The Commission also recommends that a statewide commission be established to study the safety, compensation, and number of jurors, and that it take into consideration the impact of peremptory challenges on the size of the panel. While the provisions of SB 1 have improved juror compensation somewhat, the Commission recommends that the General Assembly increase that compensation further.**

**CIRCUIT CLERKS**

The position of circuit clerk is a highly responsible position that is critical to the efficient operation of the circuit courts. Appointment of all circuit clerks would provide personnel with the required qualifications for this office. Legislation to provide for the appointment of all circuit clerks, if approved by the voters, failed to pass the legislature. (HB 383)

**The Commission recommends the appointment of all circuit clerks.**

**COURTHOUSE FACILITIES**

Courts lack facilities to accommodate senior and transferred judges, lack jury facilities and clerical workspace. Some courts are still not in compliance with the Americans with Disabilities Act (ADA). Additionally, effective courthouse security is lacking in the majority of Missouri's courts.

The Supreme Court Commission on the Courts and the Disabled charged the Office of State Courts Administrator's Access to Justice Program with evaluating the court system's accessibility based on the Americans with Disabilities Act guidelines. As a result, by November 1, 2001, on-site assessments

will have been made of court facilities in 79 of the 115 counties, all three of the appellate courts, and the Supreme Court. Telephone surveys were completed with the remaining 36 counties. A report will be given to the Supreme Court in December 2001. Regional disability awareness and sensitivity training sessions will be offered to the courts during FY 02. Ten additional assistive listening devices were purchased and distributed to the courts, so each circuit now has at least one system available for their courts.

Security remains a critical issue. A Court Security Coordinator in the Office of State Courts Administrator has developed a security assistance program available to all courts. The core of the security assistance program remains the court security survey. The survey is a complete assessment of the current security environment in a jurisdiction. The on-site assessment incorporates a review of existing policies and procedures to identify potential vulnerabilities and provide viable recommendations to provide a safe and secure environment for the conduct of judicial operations and protect the courts' records and property. Court Security training has focused on providing an overview of measures necessary for establishing or improving court security programs.

Several counties are in the process of planning or constructing new courthouses. These include the counties of Stoddard, Johnson, Barry, Christian, Taney, and Cass.

**The Commission recommends that assistance, including financial assistance, be given to help the courts to comply with the ADA. The Commission also notes that, in many circuits, there is a need for additional courtroom space and encourages local governments to provide additional space where needed. The Commission also recommends that other funding sources be accessed where possible to provide some of the financial assistance.**

## **FOREIGN LANGUAGE INTERPRETERS**

The influx of non-English speaking people into Missouri and traveling through the state has created a problem with providing adequate foreign language interpreters for the courts. The newly created "Access to Justice Program," includes services such as assistance in locating qualified foreign language interpreters, managing the court interpreter certification program, providing assistive listening devices to the courts, and maintaining a list of qualified deaf interpreters. Recognizing the need for qualified foreign language court interpreters, OSCA began certifying interpreters in the Spanish language. To date, 96 interpreters have completed the orientation, 50 have tested and 8 have become certified.

**The Commission supports the programs that have been developed to provide for qualified interpreters. The Commission also recommends that a survey be completed determining the need for qualified interpreters in circuit and municipal courts in domestic violence cases.**

**The Commission recognizes that in cases filed under the adult abuse act, there is a special problem in those situations where one or both of the litigants does not have sufficient understanding of the English language. The Legislature has recognized the importance of access to the courts for persons seeking orders of protection in cases involving domestic violence and other adult abuse situations, and has not required the deposit of a filing fee to petition for an order of protection. However, current state law provides for payment of interpreters only for criminal cases. If a person seeking to file for an order of protection is required to pay for an interpreter, then in many cases where the petitioner is indigent or low-income, the effect is to deny access to the courts to resolve what could be a life-threatening situation. Presently, the Office of State Courts Administrator is utilizing a grant from the State Justice Institute to pay for interpreters in all cases, civil and criminal, in a six-month pilot project that extends from September 2001 to February 2002. The office has also applied for a grant to be used in domestic relations cases. The Commission recommends that the question of how to provide for interpreters in these cases, especially for indigent litigants, be jointly addressed by the judicial, executive and legislative branches.**

## MUNICIPAL COURTS

Municipal courts handle municipal ordinance violations. In municipalities with a population under 7,500, municipal judges are not required to be attorneys. At present, about 25% of the 336 municipal judges are non-lawyers. Currently, municipal convictions are not used to enhance penalties for subsequent state offenses.

Many municipal courts operate relatively autonomously. While the presiding judge of the circuit has superintending authority, in fact many courts are unsupervised until a problem develops. Because the municipal courts are the only courts that many citizens have contact with, and municipal judges have the authority to assess monetary fines and sentences, the Commission recommends that municipal judges meet the high standards of the rest of the judiciary.

**The Commission recommends that all municipal judges be attorneys. The Commission also recommends that the General Assembly appoint a Joint Committee to study this issue. Specifically, the committee should study the administration, training and standards for the municipal courts. Any recommendations coming out of this process should be jointly addressed by the judicial, legislative and state and local executive branches. The Commission supports continued funding for education programs, and further, recommends that the number of training sessions available exclusively to non-lawyer judges be increased.**

## JUVENILE FACILITIES AND TREATMENT SERVICE

The number of children entering the juvenile justice system continues to increase, as does the number of children certified to stand trial as an adult. In the past ten years, there has been an increase of 34% in the total number of juvenile cases filed; projections show this increase to be 59% by 2002. Part of the rise is the increase in termination of parental rights cases and adoptions, fueled by state initiatives to reduce the amount of time children spend in foster and other alternative care situations. There is a lack of treatment and detention facilities for certified and other levels of juvenile offenders. In July of 1999, 466.3 FTE from the juvenile courts were converted to state employees. This is a significant step toward enhancing the ability and procedures of juvenile court employees. The statute allows single-county circuits to request to become state employees, subject to appropriation. In the FY 2003 budget, two single-county circuits have requested that their employees be state employees. The budget also contains a request for additional FTE in the juvenile courts to comply with legislative and workload requirements.

Again in 2001, there has been significant progress in the area of juvenile justice. The Office of State Courts Administrator has received a \$460,000 grant from the Missouri Department of Public Safety for development of the Missouri Juvenile Justice Information System (MOJJIS). MOJJIS will be developed in collaboration with executive branch agencies to create an intra-government connection that enables multiple agencies responsible for services to youth to share information and coordinate services.

Additionally, HB 236, passed in 2001, establishes the Juvenile Information Governance Commission, which will recommend and authorize information to be shared between executive agencies and juvenile and family divisions of the circuit courts. The commission will be composed of the directors of the departments of Mental Health, Health, and Social Services; the directors of the divisions of Family Services and Youth Services; the Commissioner of Education; the State Courts Administrator (as chairman); the Superintendent of the Highway Patrol; the Chief Information Officer of the Office of Information Technology of the Office of Administration; two juvenile court judges; and two juvenile officers. The Commission shall, on January 1, 2002, and annually thereafter, transmit a report summarizing the commission's findings to the General Assembly.

**The Commission supports the Circuit Court Budget Committee in its budget request for additional FTE so to comply with legislative and workload requirements for juveniles. The Commission also recommends that the request for single county circuits to convert to state employees be approved and that eventually, all juvenile court employees become state employees.**

## **FEDERAL CHILD ABUSE/NEGLECT MANDATES**

Federal legislation has imposed requirements on states relating to child abuse and neglect cases. This new federal legislation was a congressional response to children staying too long in out-of-home care. The legislation placed additional burdens on state courts, including establishing new timelines and conditions for filing termination of parental rights petitions, and requiring a permanency hearing be held within twelve months of a child entering care. Missouri has responded to the federal requirements with legislation to bring state law into compliance.

The Office of State Courts Administrator continued pilot projects in the 2nd and 23rd Judicial Circuits to assess the problems and methods involved in, among other areas, expedited adoptions, dual planning, and a shorter time frame for termination of parental rights proceedings. On June 30, 2000 the 2<sup>nd</sup> and 23<sup>rd</sup> Circuits completed their third and final year as Juvenile Court Improvement Project (JCIP) pilot courts. However, because of partial federal funding through FY 2001, a plan was developed that allowed for the projects in the 2<sup>nd</sup> and 23rd Circuits to be discontinued on June 30, 2000, but provided continued funding to a third court. In December 1999, in response to another statewide call for proposals, the 22<sup>nd</sup> Judicial Circuit (St. Louis City) was selected to serve as the third project court, and began their three-year pilot project in January 2000. There is a request in the FY 03 budget for \$134,500 to continue the Juvenile Court Improvement Project in the 22<sup>nd</sup> Judicial Circuit (St. Louis City).

**The Commission supports the request for funding in the FY 2003 budget to continue the pilot project in the 22<sup>nd</sup> Judicial Circuit, and further supports expansion of the permanency planning project.**

## **FAMILY COURTS**

Family Courts, established by statute in 1993, offer a means of coordinating many related judicial activities. Under the "umbrella" of the family court, domestic relations cases, adoptions, juvenile cases, adult abuse/child protection petitions, paternity cases and child support issues are handled by a single court whose primary purpose is to adjudicate these often-related cases. To date, family courts have been established in the 7<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, and 31<sup>st</sup> circuits. However, not all Family Courts are providing the coordinated services that were intended by the legislation, and many courts do not provide the coordinated services that benefit litigants and their families. Separate judges and clerks handle juvenile, adult abuse, domestic relations, and paternity cases, despite the fact that some of the cases overlap and could be best addressed as a whole. The present system places court clerical staff in situations which are more appropriate for trained professional staff, e.g., assisting with adult abuse petitions, discussing visitation problems, etc.

The Unified Family Court Project in St. Louis City continues to develop policies and practices consistent with the philosophies of a unified family court. A restructuring of the juvenile intake unit has resulted in cases being screened for prior judge involvement. Cases are then assigned to the prior judge as appropriate. A Special Services department has been created that puts a broad array of court and community-based services under one umbrella. In addition to domestic mediation services, mediation services are now being offered in dependency and delinquency cases.

An additional family court commissioner was provided for St. Louis City in the FY 02 budget. A family court commissioner has been requested in the FY 03 budget for the 11<sup>th</sup> (St. Charles) and 31<sup>st</sup> (Greene County) circuits.

**The Commission would like to see more progress in this area. The Commission recommends that, wherever possible and needed, Family Courts be established. It also recommends that adult abuse and child protection assistance be provided by someone other than a clerk, preferably a professional staff member. The Commission encourages presiding judges to adopt mediation programs, or an analogous program, in those domestic relations cases where children are involved. The Commission also recommends that, wherever a Family Court is created, the court provide the maximum programs and services possible for all family members. The Commission supports the pilot project in the 22<sup>nd</sup> Judicial Circuit. The Commission also supports the budget request for a family court commissioner in the 11<sup>th</sup> and 31<sup>st</sup> Circuits.**

## JUDICIAL RESOURCES ALLOCATION

**The Commission recommends that the issue of allocation of judges be jointly addressed by the judicial, executive and legislative branches at the earliest possible time so that caseloads among judges in the various circuits will be brought into better balance, and that caseloads be reviewed on a regular basis to insure that judicial resources continue to be properly allocated.**

Legislation in recent years has created a number of judicial commissioners, most notably in family courts. Since these commissioners are not elected or appointed by the governor, as are judges, the issue of converting judicial commissioner positions to judgeships has been raised. Legislation was introduced in the 2000 legislative session to convert judicial commissioner positions, but was not introduced in 2001. There was an appropriation for FY 2002 for seven additional associate circuit judges in those counties where the census indicated a certain increase in population. These are Barry, Camden, Jasper, Lincoln, Laclede, Taney, and Webster. There was also an appropriation for one additional family court commissioner in St. Louis City. At this time, there are a total of 22 family court commissioners. There is a request in the FY 2003 budget for eleven drug court commissioners.

**The Commission recommends that the issue of converting judicial commissioner positions to judgeships be addressed by the legislature, the governor, and the judiciary. The Commission supports the request for eleven additional drug court commissioners in the circuit courts.**

## SENIOR JUDGES

Section 476.682, RSMo provides the statutory basis for compensating senior judges the difference between their judicial retirement and the salary of the office for those days they sit as a senior judge pursuant to Supreme Court order. The senior judges provide assistance, where needed, for a fraction of the cost of a permanent judge. This program is working very well, as senior judges continue to provide a valuable service for Missourians.

In FY 01, 68 retired judges accepted assignments to serve as senior judges. Senior judges served for 2,642 days in FY 01. This amounts to 528 weeks of judicial service provided by senior judges where vacancies had occurred due to retirement or illness, keeping dockets current until a replacement was appointed or in an effort by the court to remain current. Based on the statutory standard of 235 days equaling one year's service, senior judges provided over 11 judgeships in FY 01. In addition, senior judges were assigned to 629 individual cases that were for the most part multi-day jury trials or complex matters.

While appropriations in recent years have been sufficient to fully compensate senior judges, they continue to experience difficulties with inadequate courthouse space and facilities, including the absence of a court reporter in most instances. At present, official court reporters frequently cannot be freed from regular assignments to preserve lengthy or complex trials conducted by senior judges—the types of trials they are most likely to conduct. As a result, litigants willing to use a senior judge who wish to have a court reporter are required to pay for the related costs themselves. This is unfair, since other litigants who have similar cases heard by active circuit judges are not required to assume those costs.

**The Commission recommends that adequate support services be provided for senior judges, including court reporters for lengthy or complex trials. The Commission recommends that presiding judges arrange for necessary facilities—court reporter, courtroom—in advance for a senior judge who has agreed to serve. The Commission also recommends that the temporary court reporter fund be expanded to cover payment for court reporters for senior judges when one is not available. The Commission commends the General Assembly for fully funding senior judge compensation. The Commission also commends senior judges who continue to provide this valuable service.**

## TIME STANDARDS

Meeting time standards continues to be a major emphasis of the Missouri judiciary. The Judicial Conference established the Daniel O'Toole award to be presented to courts that achieved significant compliance with the time standards. For 2001, the recipients were the 10<sup>th</sup>, 14<sup>th</sup> and 19<sup>th</sup> circuits.

**The Commission recommends that the courts continue to evaluate the progress of time standards implementation and encourage time standards compliance to insure that cases be resolved as expeditiously as possible to benefit litigants and all involved in the court process.**

## PUBLIC DEFENDER

The Missouri State Public Defender System's crisis in the recruitment and retention of attorneys continues to widen. For FY 01 the State Public Defender experienced turnover of 21% of its attorneys. In FY 00 the turnover rate was 17%, and in FY 99 it was 15%. The FY 01 turnover rate is approximately the same as FY 94. After 1994, funding increases improved attorney salaries and retention was greatly improved. The turnover rate dropped to approximately 8%. More experienced public defenders provided better representation and contributed greatly to a higher case disposition rate (assignments divided by dispositions).

Unfortunately, the success at improving recruitment and retention of seven years ago has faded. Today Missouri's Public Defender System is in an impossible situation as to recruitment and retention of lawyers. Top law firms' starting salaries approximate \$90,000 per year. Even medium and small firms, against whom the Public Defender System directly competes in recruitment, start associates at approximately \$60,000 per year. The Missouri Bar's economic survey for 2001 reports Missouri attorneys age 30 and under average more than \$60,000 per year. By contrast, Missouri's assistant public defenders start at just under \$32,000 per year and, if highly successful, can be making in the lower \$50,000 range after about five years.

Heavy student loan debt often prohibits recent law school graduates from accepting employment with the State Public Defender or elsewhere in the public sector. A State Public Defender survey indicates most of its attorneys graduated with \$50,000 to \$100,000 of student debt. Approximately five percent had debt in excess of \$100,000. Even at Missouri's state law schools, law school officials indicate student debt for law school alone is usually near \$60,000. Young attorneys desirous of public service, even those willing to forego higher salaries, simply cannot do so in the face of this extreme debt burden. Last year (and again this year), the State Public Defender Commission has requested funding to initiate a loan forgiveness program. Even modest loan forgiveness (\$100 per month for the first 36 months of service) is expected to give the State Public Defender help in recruitment.

The caseload of Missouri's Public Defender System continues to rise. Total assigned cases in FY 01 were 76,786, up from 75,738 in FY 00. Case dispositions were 73,438, up from 69,591 in FY 00. Although the disposition rate improved slightly to 95.6%, the State Public Defender continues to fall behind in its disposition of cases assigned. The State Public Defender attributes this low disposition rate directly to its inability to fill attorney positions.

The State Public Defender needs adequate and sufficient office facilities to house its personnel. The State Public Defender Commission seeks again this year to change our 600.041.1, RSMo and the funding to make the financial burden of office space a state, rather than county obligation. Prior efforts at this modification have been unsuccessful. Instead, the General Assembly approved language to House Bill 5, allowing the interception of county prisoner per diem funds if that county fails to meet its obligation under 600.040, RSMo. The State Public Defender Commission continues to seek the cooperation of county governments in this area and hopes county governments will comply with their statutory obligation. While some have, many counties view the interceptions of prisoner per diem as heavy-handed, state mandate tactics, straining county/state relations.

A new Section, 600.101, RSMo was enacted in 1999. It calls for disputes between the Office of State Public Defender and the counties to be presented to the Judicial Finance Commission. It also calls for a report from the Judicial Resources Commission to the Chairs of the House and Senate Judiciary and Budget Committees.



The Commission supports the State Public Defender in its recruitment and retention efforts. This Commission recognizes the integral role the State Public Defender plays in the entire criminal justice system. It also recognizes that, without the recruitment and retention of qualified attorneys, the interest of justice will not be met. The Commission supports the State Public Defender in its efforts at increased funding, both as to salaries and as to loan forgiveness programs in the hopes both will enhance recruitment and retention. The Commission also supports the State Public Defender in its efforts to revise 600.040, RSMo and its request for funding office space needs.

## **STATEWIDE COURT AUTOMATION**

The Missouri Court Automation (MCA) Committee is implementing the statewide plan developed in the information architecture and adopted in July 1996. The FY 03 budget contains a request for a total of \$ 19.2 million to maintain and expand implementation of this important project. **In FY 2001, the following systems were implemented:**

- Statewide case management system implemented in 26 Courts: 13<sup>th</sup> – Callaway; 18<sup>th</sup> – Cooper, Pettis; 20<sup>th</sup> – Gasconade, Osage; 24<sup>th</sup> – Madison, St. Francois, Ste. Genevieve, Washington; 28<sup>th</sup> – Cedar, Dade, Vernon; 32<sup>nd</sup> – Bollinger, Cape Girardeau, Perry; 33<sup>rd</sup> – Mississippi, Scott; 34<sup>th</sup> – New Madrid, Pemiscot; 35<sup>th</sup> – Dunklin, Stoddard; 42<sup>nd</sup> – Crawford, Dent, Iron, Reynolds, Wayne.
- Jury Management – 5 Pilots (Osage, Gasconade, Franklin, Jackson, St. Charles) and 21 additional Courts (Buchanan, Cole, Lafayette, Vernon, Barton, Macon, Andrew, Warren, Montgomery, Audrain, Platte, Putnam, Ray, Boone, Callaway, Miller, Camden, Laclede, Moniteau, Saline, Shelby.)

The Commission acknowledges the ongoing need to maintain the automation system, to expand the applications of the system, and to replace and maintain equipment. Therefore, the Commission supports funding what will be an indispensable service within the judiciary. The Commission also recommends that uniformity be established throughout the system.

## **REGIONAL JUSTICE CENTERS**

The county-based courthouse system currently in place in Missouri is inefficient and archaic as Missouri approaches the 21st century. The concept of regional justice centers has emerged in recent years as a means of modernizing the way justice-related facilities are developed.

Studies of the 24<sup>th</sup> and 28<sup>th</sup> circuits concluded that court and jail facilities in the study areas are largely inadequate, and recommended regional justice centers in both circuits. Focus during the coming months will be on statutory provisions required to implement the concept.

**The Commission supports the concepts of regional justice centers. The Commission recognizes the importance and validity of a joint effort on the part of the courts and county governments to deal with the costs and inconveniences that presently occur because of separate facilities.**

## **MEDIATION AND ADR SERVICES**

At present, there is no dedicated program housed within the judiciary to support state courts' efforts to deliver Alternative Dispute Resolution (ADR) services to litigants as authorized in Chapters 435, 452, and 487, RSMo and provided for in Supreme Court Rules 17 and 88. The Supreme Court Committee on Alternative Dispute Resolution was created in 1994 to explore the development of informal methods of dispute resolution. The Commission on Alternative Dispute Resolution Services in Domestic Relations Cases was created by the Supreme Court in August 1999, to evaluate and make recommendations for effective ADR services for domestic relations cases.

The Commission on ADR in Domestic Relations Cases has developed initial recommendations and plans to implement and assess the results of these recommendations in two pilot court projects. At this time, these pilot projects are "on hold" while waiting for anticipated Title IV-E funds. These funds will be used to hire coordinators in the two court project sites, to contract for mediation services, and to conduct an evaluation of the projects. The Commission meets regularly and is working on several issues, including mediator qualifications and practice standards, and program standards for court based mediation programs in domestic relations. There is also planning to contract for statewide coordination services for mediation in domestic relations cases.

**The Commission supports state courts' efforts to deliver Alternative Dispute Resolution services to litigants.**

## **COURT APPOINTED SPECIAL ADVOCATE PROGRAMS**

Court appointed special advocates (CASAs) are volunteers who serve in various capacities to assist the courts and DFS to minimize the time a child spends in official care and maximize the chance that the child will have a home safe from abuse and neglect in a timely manner. This both benefits the child, and saves the state considerable expense for foster care.

Currently, fifteen circuits use CASAs: they are based in Cape Girardeau, Hannibal, Harrisonville, Joplin, Kansas City, Liberty, Maryville, Rolla, St. Charles, St. Joseph, St. Louis City, St. Louis County, Salem, Springfield, Trenton, Warrensburg, Waynesville, and West Plains. Legislation was passed last session that created the "Missouri CASA Fund" to be administered by the state courts administrator. An appropriation for the authority to spend \$200,000 has been requested in the FY 03 budget to administer this fund.

**The Commission supports the efforts of courts to employ CASAs whenever possible. The Commission supports the request for an appropriation for the "Missouri CASA Fund."**

## **DRUG COURTS**

In 1998, the legislature passed HB 1147 which provided that "Drug courts may be established by any circuit court pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which stem from drug use." Under this concept, defendants are diverted to drug court programs in various ways and at various stages of the judicial process, depending on the circumstances. Viewing criminal costs alone, the cost-benefit analysis of this issue is evident in the costs of participation in a criminal drug court treatment program with intensive supervision, averaging \$7,289 per year per participant, versus the cost of incarceration with the Department of Corrections, \$12,731 per year per inmate. This does not include the costs to the courts in increased criminal caseloads, nor does it address the costs to the juvenile justice system, including detention facilities. Early studies show a substantial decrease in re-arrests.

House Bill 471, passed by the general assembly in 2001, establishes a "Drug Courts Coordinating Commission" composed of eight members. The bill also establishes a "Drug Court Resources Fund" to be administered by the Commission. The Commission is to evaluate, secure, coordinate, and allocate funding resources to the various drug courts around the state. A "place holding" request has been submitted in the FY 03 budget for an appropriation for this fund.

**The Commission supports the concept of drug courts and encourages their implementation in additional circuits. The Commission supports the Circuit Court budget request for FY 2003.**

## **FISCAL ASSISTANCE**

Requests for additional FTE based on fiscal notes have not always been approved, causing workload problems for the courts.

The Fine Collection Center has taken some of the traffic-related workload from the clerks in courts that have joined the program, and most of the child support responsibilities are now handled by the Family Support Center. Still, there is a request in the FY 03 budget for 42.75 FTE in 32 counties. The filings in these counties have increased 36.77% in the last ten years. The FY 2003 budget also contains a placeholder request for a merit increase for court employees.

**The Commission commends the Governor and the General Assembly for their commitment to the courts through continued staffing assistance.**

## **OTHER ISSUES**

In addition to the issues addressed above, the Commission identified several areas of the judicial system that are attracting growing interest, specifically:

### **Community-Based Sentencing Alternatives**

This is an area of growing interest nationwide, as states seek ways to cope with the growing costs of new prisons, and the cost to society of recidivism among former prison inmates.

At present, the majority of alternative sentencing programs involve drug courts. However, intensive supervision, counseling, residential work release, employment skills training and mental health treatment are some of the community corrections initiatives being pursued in several counties.

**The Commission recommends the implementation and use of alternative sentencing programs in appropriate cases.**

### **Uncollected Court Costs**

Court costs that remain uncollected have been a source of increasing interest at various levels of government. In many cases, these costs are uncollectable because the person owing them is indigent and/or in prison.

**The Commission recommends that a governmental entity study how the courts can improve the collection of courts costs. The Commission recommends that, in order to avoid unprofitable diversions of judicial resources, the judiciary be authorized to establish mechanisms to permit the write-off of uncollectable fines and court costs.**

### **Outstanding Warrants**

Missouri ranks in the top ten states for the total number of outstanding felony and non-felony warrants, according to federal authorities. The recent state audit reviewed how well various state law enforcement agencies manage the state's approximately 728,000 outstanding warrants and determined that there is a need for system improvements to arrest more felons.

The Auditor's report also maintained that more than \$76 million could be collected from court costs, fees and fines if authorities served and adjudicated all current outstanding warrants. Of the \$76 million, \$14 million could go to the state and \$61 million could go to city and county officials.

**The Commission recommends that a governmental entity conduct a study to determine what type of centralized system and/or review system might be created to improve the current situation, and if there are any other avenues that could be explored to decrease the number of outstanding warrants and improve the collection of costs, fines, fees and restitution.**

### **District Attorney System**

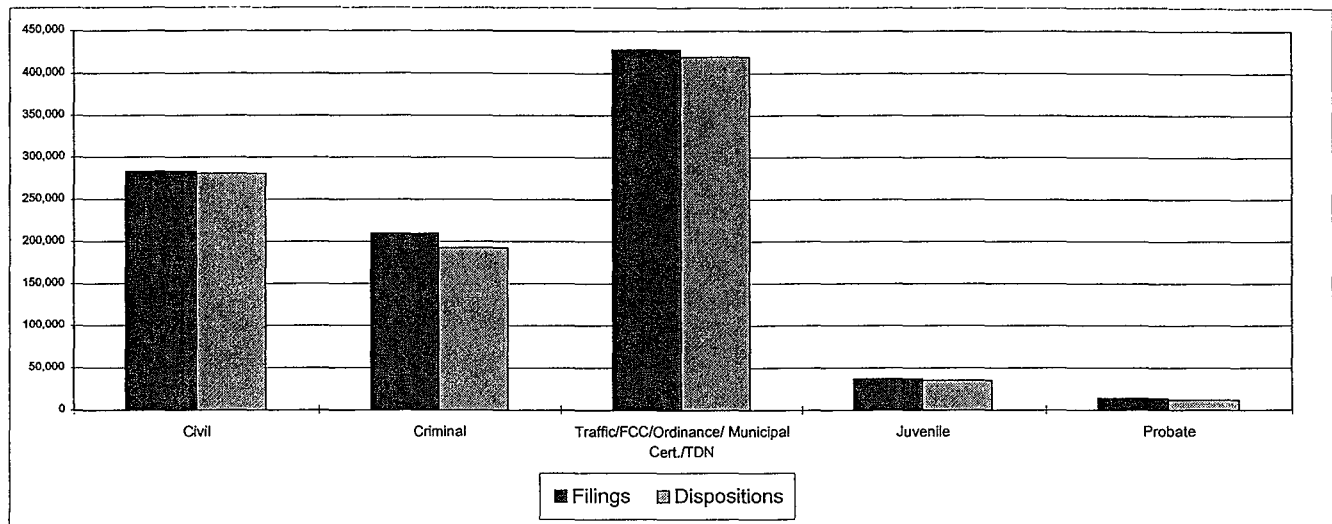
Some of the same economic factors which are forcing a reexamination of the county-based courthouse system currently in place in Missouri are also driving a reexamination of the county-based prosecuting attorney system. Introduced in the 2001 legislative session but not passed, SB 592 would have created a framework for the voluntary consolidation of the county prosecutor system into a district attorney system which would utilize the judicial circuit boundaries. The consolidation would reduce the number of elected "prosecutors" from 115 to 45. Some form of the same bill promises to be introduced in the 2002 session.

**The Commission does not have any specific recommendation in this regard but notes that any consolidation of the county-based prosecuting attorney system may also complement the development of regional justice centers.**

**REPORT OF THE COMMISSION ON JUDICIAL RESOURCES**  
December, 2001

**STATEWIDE CASELOAD, TRANSFER AND ASSIGNMENTS STATISTICS**  
FY 2001

**Graph 1**  
**Missouri Circuit Court**  
**Cases Filed and Disposed**  
**FY 2001**



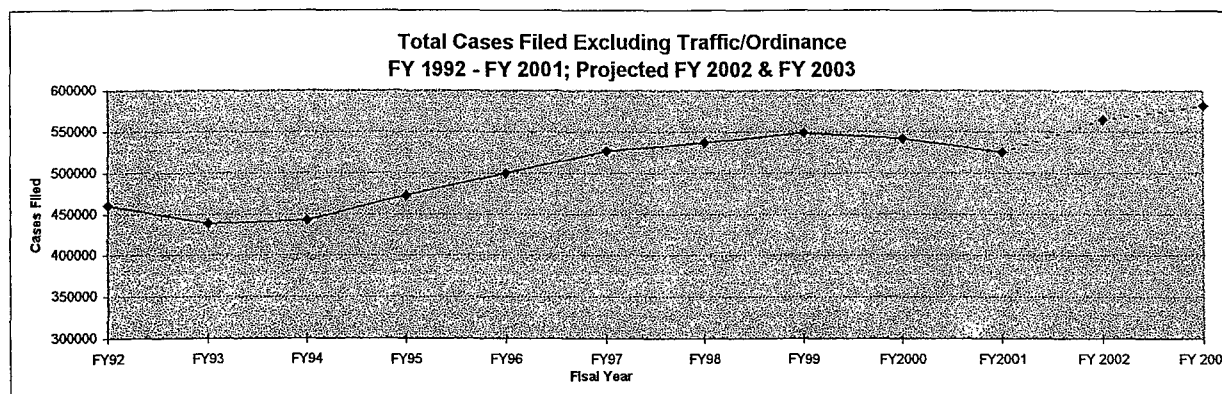
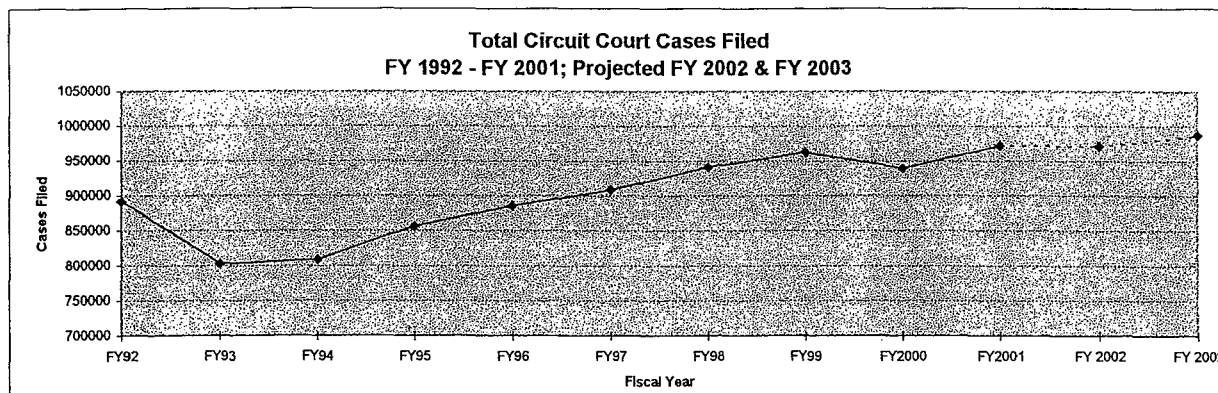
**Table 1**  
**Missouri Circuit Court**  
**Cases Filed and Disposed by Case Type**  
**FY 2001**

<u>Case Type</u>	<u>Filed</u>	<u>Disposed</u>	<u>*Disposition to Filing Ratio</u>
Civil	283,055	281,025	0.99
Criminal	209,773	192,984	0.92
Traffic/FCC/Ordinance/ Municipal Cert./TDN	427,926	419,440	0.98
Juvenile	37,396	35,529	0.95
Probate	14,109	12,036	0.85
Total	972,259	941,014	0.97

\* This ratio, calculated by dividing the number of cases disposed by the number filed, gives an indication of how well the courts are keeping up with their workload. A ratio of 1.00 or greater indicates that the courts disposed at least as many cases as were filed. A ratio of less than 1.00 indicates that the courts disposed fewer cases than were filed and experienced an increase in pending caseload.

# REPORT OF THE COMMISSION ON JUDICIAL RESOURCES DECEMBER, 2001

## OVERALL CASELOAD GROWTH



The creation of the St. Louis County traffic court and the volatility of the high-volume state traffic caseload can be seen in the comparison of total case filings with and without traffic. Legislation shifted about 55,000 county ordinance cases to a new St. Louis County traffic court in 1993, and the state traffic case volume was down in FY 93 and FY94.

Please note: "Total Circuit Court Cases Filed" includes civil, criminal, juvenile, and probate statistics.

**Table 2**  
**Missouri Circuit Court**  
**Cases Disposed by Manner of Disposition**  
**FY 2001**

Case Type	—With Trial—		—Without Trial—				Total
	Jury	Court	Uncontested	Plea	Dismissed	*Other	
Civil	660	39,368	124,392	n/a	105,819	10,786	281,025
Criminal	639	1,812	n/a	103,072	54,013	33,448	192,984
Traffic/FCC/Ord./Municipal Cert./TDN	23	6,091	n/a	321,682	47,850	43,794	419,440
Total	1,322	47,271	124,392	424,754	207,682	88,028	893,449

\* Other includes such manners of disposition as change of venue, certification, bind over of felony preliminary cases, and returned due to no response or to a not guilty plea in traffic cases disposed by the Fine Collection Center (FCC).

**Table 3**  
**Missouri Circuit Court**  
**Judge Transfers/Assignments**  
**FY 2001**

	<u>No of Days</u>	<u>No of Individual Case Assignments</u>	<u>*Total Civil/Criminal Cases Disposed</u>
Transfers of Associate/Circuit Judges	2,238	1,807	13,304
Senior Judge Assignments	8,831	696	7,662

Note: Transfers/assignments are made for either specific periods of time or to handle individual cases. Numerous cases may be heard in a single period-of-time assignment.

\* Not available for traffic, probate or juvenile case types. Projected numbers provided.

Case Processing Time Standards Age of Case At Disposition FY 2001			
Time Standard Category	Standard for Age of Case at Disposition in the State	Actual Performance Statewide	Percent Change from FY 2000
<b>Circuit Civil</b>			
In 18 months	90%	78%	-2%
In 24 months	98%	87%	0%
<b>Domestic Relations</b>			
In 8 months	90%	81%	-3%
In 12 months	98%	89%	-1%
<b>Circuit Felony</b>			
In 8 months	90%	85%	1%
In 12 months	98%	92%	0%
<b>Associate Civil</b>			
In 6 months	90%	85%	0%
In 12 months	98%	96%	2%
<b>Associate Criminal</b>			
In 4 months	90%	77%	1%
In 6 months	98%	88%	2%